

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MANUEL A. TORO VAZQUEZ

DEBTOR

CASE NO 11-10555 MCF

CHAPTER 13

**DEBTOR'S REPLY TO TRUSTEE'S MOTION TO DISMISS FOR
FAILURE TO DELIVER TAX REFUNDS DOCKET NO. 23**

TO THE HONORABLE COURT:

COMES NOW, MANUEL A. TORO VAZQUEZ, debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. The Chapter 13 Trustee filed a *Trustee's Motion to Dismiss For Failure to Deliver Tax Refunds*, dated December 15, 2015, docket no. 23, basically stating that the Trustee had not received the "tax refunds" provided for in debtor's confirmed Plan, as of the date of the motion for dismissal.

2. On January 14, 2016, the debtor requested an extension of time to reply to the Trustee's motion for dismissal, docket entry #25 and on January 15, 2016, this Honorable Court granted debtor's request for extension of time, Order due by February 16, 2016, docket entry #26.

3. In reply to the Trustee's motion for dismissal for failure to deliver tax refunds, the debtor respectfully states that on this same date, February 08, 2016, the debtor filed a post-confirmation Plan modification to increase the confirmed Plan base from \$9,640.00 to \$10,721.84, in order to cover and pay into the Plan the tax refunds received during the life of the Plan (2011-\$70; 2012-\$692; 2013-\$243 and 2014-\$71.84).

4. If approved, the proposed post-confirmation modified Plan cures the objection raised by the Chapter 13 Trustee in his motion requesting dismissal, since the value of all tax refunds received during the life of the confirmed Plan, \$1,076.84 will be paid into the Plan by the debtor through the aforementioned Plan modification.

5. The debtor is up-to-date in the confirmed Plan payments to the Chapter 13 Trustee.

Page - 2-

Debtor's Reply to Trustee's Motion to Dismiss
Case no. 11-10555 MCF13

6. The debtor respectfully requests that for the above stated reasons, the Trustee's motion for dismissal, docket entry #23, be denied.

WHEREFORE, based on the above stated, the debtor respectfully prays that Trustee's motion requesting dismissal, docket no. 23, be denied.

I HEREBY CERTIFY that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee Alejandro Oliveras Rivera, Esq.; and also certify that I have mailed by United States Postal Service copy of this motion to the following non-participant: debtor, Manuel A Toro Vazquez, HC 3 Box 8866 Gurabo PR 00778, in the above captioned case.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 08th day of February, 2016.

/s/ Roberto Figueroa Carrasquillo

USDC #203614

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